

Application No. 09/595,005

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RD-27442-2

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**RESPONSE UNDER 37 CFR §1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1631**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

CAWSE et al.

Group Art Unit: 1631

Application No.: 09/595,005

Examiner: Channing S. Mahatan

Filed: June 16, 2000

For: HIGH THROUGHPUT SCREENING METHOD AND SYSTEM

**MPEP 706.07(c) AND MPEP 706.07(d) REQUEST TO WITHDRAW FINAL
REJECTION**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Primary Examiner is requested to withdraw the July 9, 2004 Final Rejection for the following reasons:

1. Claims 1 to 12 and 16 to 21 are pending.
2. An August 10, 2004 Final Rejection rejected claims 1 to 12 and 16 to 21 under 35 U.S.C. §112, first paragraph, 35 U.S.C. §112, second paragraph and 35 U.S.C. §103(a).
3. The August 10, 2004 Final Rejection (1) fails to indicate in what manner "catalyst turnover number" fails to meet the requirements of 35 U.S.C. §112, first paragraph and (2) fails to respond to Applicant's argument that even if improperly combined, the references do not teach or suggest "executing a genetic algorithm based on" a "catalyst turnover number." The references do not establish a prima facie case of obviousness.

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4. The MPEP 2271 states:

.... The grounds of rejection must (in the final rejection) be clearly developed to such an extent that the patent owner may readily judge the advisability of an appeal....

5. Further, 37 C.F.R. § 1.104 entitled "Nature of Examination" provides that "[t]he examiner's action will be complete as to all matters...."

6. The August 10, 2004 Final Rejection is incomplete with respect to (1) and (2), above.

7. The August 10, 2004 Final Rejection is premature and should be withdrawn.

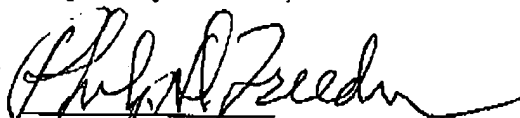
8. This Request to Withdraw the Final Rejection is filed pursuant to MPEP 706.07(c) and MPEP 706.07(d) as prerequisite to Petition to the Commissioner of Patents.

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Applicants respectfully request the PTO to withdraw the July 9, 2004 Final Rejection, allow the application or reissue a non-final office action, restarting the period for response.

Respectfully submitted,



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